WAKE COUNTY

2013 CAST 25 IN THE GENERAL COURTS OF JUSTICE SUPERIOR COURT DIVISION 08 CVS 10199

NORTH CAROLINA

.m.,	
THE NORTH CAROLINA STATE BAR, PETITIONER,))
v.)) CONSENT ORDER OF) PRELIMINARY INJUNCTION
ADAM M. TYSON, ATTORNEY, RESPONDENT.) (AMENDED)

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of petitioner, the North Carolina State Bar. Petitioner was represented by Katherine E. Jean. Respondent Adam M. Tyson was represented by Alan M. Schneider. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Adam M. Tyson ("Tyson"), was licensed to practice law in North Carolina on August 27, 2002.
- 2. As of the date of this petition, Tyson's last known address of record on file with the North Carolina State Bar is P. O. Box 2475, Matthews, Mecklenburg County, North Carolina 28106.
- 3. The State Bar has received evidence indicating that funds held in trust by Tyson were mishandled by Tyson.
 - 4. Tyson desires to cooperate with the State Bar.
- 5. A need for prompt action exists to ensure that further entrusted funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Tyson's trust and operating accounts and to ensure that no client funds are mishandled.
- 2. Tyson should be enjoined from accepting any further funds from or on behalf of clients or other individuals in any fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 3. Tyson should not be permitted to serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless permitted to do so by further order of this Court.
- 4. To assist the State Bar's analysis of his trust and operating accounts, Tyson should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Adam M. Tyson is enjoined from accepting or receiving any funds from clients or third parties in any fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 2. Adam M. Tyson or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Tyson's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Adam M. Tyson or any other person having custody or control over records relating to individuals for whom she has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents including but not limited to client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

- 4. If Tyson does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rules 1.15-2 and 1.15-3 of the Revised Rules of Professional Conduct, he shall direct the bank(s) where his bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Tyson's expense.
- 5. Tyson shall not serve in any fiduciary capacity, including trustee, escrow agent, personal representative, executor or attorney-in-fact until and unless he is permitted to do so by further order of this Court.
- 6. Before the entry of this Order, Tyson had already written and mailed to the payees listed on attached Exhibit A the following checks drawn on Wachovia Bank trust account number 2000021246825, in the name Tyson Law Group, P.A., IOLTA Attorney Trust Account. These checks represent amounts the listed payees are entitled to receive from Tyson in connection with legal services provided by Tyson prior to the entry of this Order. This Order does not prohibit Wachovia Bank from honoring the checks enumerated in Exhibit A.
- 7. Before the entry of this Order, Tyson had already purchased, with funds held in his trust account number 2000021246825, and had already mailed to the payees listed on Exhibit B hereto, official bank checks issued by Wachovia Bank in the amounts listed on Exhibit B. These official Wachovia Bank checks represent amounts the payees listed on Exhibit B are entitled to receive from Tyson in connection with legal services provided by Tyson prior to the entry of this Order. This Order does not prohibit Wachovia Bank from honoring the checks enumerated in Exhibit B.
- 8. Before the entry of this Order, Tyson already had in his trust account entrusted funds related to closings he had already conducted, to four transactions he had scheduled to close but had not yet closed, or to other legal services he had provided prior to entry of this Order, in the cumulative amount of \$9258.01. Before the entry of this Order, Tyson purchased an official bank check from Wachovia Bank in the amount of \$9258.01 using funds in his trust account. Tyson shall deliver the official Wachovia Bank check, check number 1100153846 in the amount of \$9258.01, to Christopher M. Vann, State Bar no. 20175. Vann shall deposit the official bank check into Vann's trust account and shall disburse the \$9258.01 to the persons and entities identified on Exhibit C attached hereto.
- 9. If Tyson wishes to conduct any real estate transactions during the existence of this Consent Preliminary Injunction, he shall associate Christopher M. Vann as cocounsel to handle all receipts and disbursements of entrusted funds. Christopher M. Vann shall have sole authority to receive and disburse any entrusted funds in connection with any real estate transactions in which Tyson represents any person or entity and Tyson shall not receive or disburse any such entrusted funds. All bank accounts of Christopher M. Vann into which any entrusted funds relating to any real estate transaction in which Vann is serving as co-counsel with Tyson have been deposited shall be subject to audit by the State Bar upon demand.

Christopher M. Vann